

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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Student Doe #1, et al.,

Plaintiffs,

- against -

Docket No.2:25-cv- 02998

Kristi NOEM, in her official capacity as
Secretary of the United States Department of
Homeland Security, et. al.,

Defendants.

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DECLARATION OF ERIC GARFUNKEL

I, Eric Garfunkel, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Eric Garfunkel. I am the Vice President for Global Affairs at Rutgers University (“Rutgers”). I have held this position since August 2015.
2. I lead Rutgers Global. International Student and Scholar Services (“ISSS”) is one of the key units I oversee. The principal designated school official (“PDSO”) and designated school officials (“DSOs”) report to the Executive Director of ISSS and the Executive Director of ISSS reports to me.
3. Rutgers is an educational institution certified by the Student and Exchange Visitor Program (“SEVP”). As such, the PDSO and DSOs at Rutgers can issue Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, to international students who have been accepted to the University. A Form I-20 is also issued to eligible dependents whom international students intend to bring to the United States with them.
4. The Form I-20 lists a student’s program start date, 30 days before which they are allowed to enter the United States. International students are expected to have the signed Form I-20 in hand upon entry into the country. The Form I-20 proves that an individual is legally

enrolled in a program of study in the United States and is needed to apply for benefits available to F-1 students like a driver's license or social security number.

5. As outlined on Immigration and Customs Enforcement's webpage "SEVP Overview,"¹ SEVIS is a web-based system used by the SEVP and the Department of State ("DoS") "to track and monitor schools; exchange visitor programs; and F, M and J nonimmigrants while they visit the United States and participate in the U.S. education system."
6. When a student's SEVIS record is active, a SEVP certified institution can access certain "Actions" through the system. The "Actions" include "Reprint I-20," "Print Draft I-20," "Authorize To Drop Below Full Course," "Change Educational Level," "Corrections," "Complete Program," "Disciplinary Action," "Extend Program," "Shorten Program," "Terminate Student," and "Transfer Out." The institution also has access to functions listed under "Employment/Training." These include "[Curricular Practical Training] CPT Employment Authorization," "Off-Campus Employment," and "[Optional Practical Training] OPT Request." A certified educational institution uses these "Actions" to process and approve changes. The institution can then print out an updated Form I-20 with a new program completion date or with an employment authorization annotation, for example.
7. When a SEVIS record is terminated, the available "Actions" change. The "Reprint I-20" and "Print Draft I-20" buttons disappear from the side pane. The only items listed under "Actions" are "Corrections," "Request Reinstatement," and "Transfer Out." If a DSO selects "Request Reinstatement," a new Form I-20 is typically issued containing a reinstatement annotation.
8. If a student record is terminated in SEVIS, the certified educational institution cannot enter or approve changes to student status, like authorizing employment or changing the length of authorized stay indicated on the Form I-20. The institution also cannot produce or issue an active Form I-20 or evidence of the student's F-1 status or authorization to work in the United States.
9. On March 28, 2025, our office learned through the DSOs' check of SEVIS records that one student's SEVIS record was marked terminated. The termination reason noted was: "OTHERWISE FAILING TO MAINTAIN STATUS – Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated." This student's record was complete at the time of termination, and he was no longer affiliated with the University when we received this notification.

¹ Available at <https://www.ice.gov/sevis> (last visited Apr. 18, 2025).

10. On April 3, 2025, our office learned through the DSOs' check of SEVIS records that three students' SEVIS records were marked terminated. The reason noted for all three students was: "OTHERWISE FAILING TO MAINTAIN STATUS – Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated." Our office did not terminate SEVIS records for these students.
11. According to the Department of Homeland Security's "Study in the States" website's Glossary,² the term, "Terminated" is defined as follows: "When an F or M student has failed to maintain their nonimmigrant status, the designated school official updates their Student and Exchange Visitor Information System record to *Terminated* status and they must depart the country."
12. Typically, DSOs terminate SEVIS records where appropriate under governing statutes, regulations, and guidance. Termination may occur for a number of reasons: expulsion, death, a leave of absence, among others. It is not always negative. SEVP may also terminate status for specific reasons. None of the SEVP termination reasons include "OTHERWISE FAILING TO MAINTAIN STATUS." That reason is available to DSOs and, according to the Department of Homeland Security webpage on "Termination Reasons,"³ requires that the DSO "[c]learly explain how the student failed to maintain status in the Remarks field on the Terminate Student page."
13. Our office promptly notified the three students whose records were terminated on April 3, 2025, of their SEVIS record termination in conformance with SEVP's instructions on "Maintaining Accurate SEVIS Records,"⁴ which provides: "If you terminate a student's SEVIS record, be sure to notify the student. Once you terminate a student's SEVIS record, the student is no longer in an authorized period of stay in the United States. Any associated F-2 or M-2 dependent records are also terminated. If the student is still in the United States, they lose all employment authorization they received while in student status. An F or M student who is out of nonimmigrant status must leave the United States, while a student outside of the country cannot reenter the United States using the terminated SEVIS record."
14. On April 4, 2025, our office learned through the DSOs' check of SEVIS records that eight additional students' SEVIS records were marked terminated. The reason noted for all eight students was: "OTHERWISE FAILING TO MAINTAIN STATUS – Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated." Our office did not terminate SEVIS records for these students.

² Available at <https://studyinthestates.dhs.gov/glossary?page=0> (last visited Apr. 18, 2025).

³ Available at <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons> (last visited Apr. 18, 2025).

⁴ Available at <https://studyinthestates.dhs.gov/schools/report/maintaining-accurate-sevis-records> (last visited Apr. 18, 2025).

15. On April 8, 2025, our office learned through the DSOs' check of SEVIS records that four additional students' SEVIS records were marked terminated. The reason noted for all four students was: "OTHER - Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated." Our office did not terminate SEVIS records for these students.
16. Our office did not receive additional information regarding these terminations.
17. Also on April 8, 2025, 10 of the student records that were previously terminated for "OTHERWISE FAILING TO MAINTAIN STATUS - Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated" were changed with a new reason for termination that reads, "OTHER - Individual identified in criminal records check and/or has had their VISA revoked. SEVIS record has been terminated." Our office did not change these records.
18. On April 16, 2025, one student's SEVIS record was restored to active status.
19. As of April 20, 2025, our office still has 14 Rutgers University students whose SEVIS records have been terminated since March 28, 2025. Of the 14 SEVIS record terminations, 13 of the students are from India and China.
20. Of the students whose status remains terminated, the institution cannot produce or issue an active Form I-20 or evidence of the students' F-1 status or authorization to work in the United States.
21. As of April 20, 2025, to our knowledge, three students have left the country.

I declare under penalty of perjury that the foregoing is true and correct.



Eric Garfunkel
Executed on: April 20, 2025